

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Sections 3 and 7

APPLICATION FOR ENTRY OF DEFAULT

COMES NOW the plaintiff State of New Mexico, *ex. rel.* State Engineer, and requests the Clerk of the Court, pursuant to F. R. Civ. P. 55(a) to enter the default of the following named defendants and each of them for failure to answer or otherwise plead; and the undersigned certifies that no answer, appearance, or other pleading has been served upon plaintiff's attorneys.

<u>Defendant</u>	<u>Subfile No.</u>	<u>Waiver of Service of Summons Filed</u>
Jacob D. Montañño	CHCJ-003-0033A	Party substituted for defendants Evaristo C. Montañño and Hortance Montañño by Order filed October 9, 2007 (Docket No. 8945); original waivers of service of summons filed January 29, 2001 (Docket No. 6140)
Lawrence G. Montañño	CHCJ003-0033A CHCJ-003-0033C	Party substituted for defendants Evaristo C. Montañño and Hortance Montañño by Order filed October 9, 2007 (Docket No. 8945); original waivers of service of summons filed January 29, 2001 (Docket No. 6140)
Robert M. Montañño	CHCJ003-0033A	Party substituted for defendants

	CHCJ-003-0033D	Evaristo C. Montañó and Hortance Montañó by Order filed October 9, 2007 (Docket No. 8945); original waivers of service of summons filed January 29, 2001 (Docket No. 6140)
Ortance Garcia	CHCJ003-0033A CHCJ-003-0033E	Party substituted for defendants Evaristo C. Montañó and Hortance Montañó by Order filed October 9, 2007 (Docket No. 8945); original waivers of service of summons filed January 29, 2001 (Docket No. 6140)
Isidoro Manzanares	CHTA-005-0005	February 19, 2002 (Docket No. 6537)
Andrews Living Trust	CHRB-004-0048	April 9, 2002 (Docket No. 6603)
<u>Defendant</u>	<u>Subfile No.</u>	<u>Proof of Service Filed</u>
Martin Romero	CHTA-004-0001D	October 31, 2007 (Docket No. 8979)

Dated: February 22, 2008

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22st day of February, 2008 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Jacob D. Montaña
434 Reeves
Las Cruces, NM 88005

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Robert M. Montaña
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Ortance Garcia
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Albuquerque, NM 87123

Isidoro Manzanares
P.O. Box 642
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(last known address)

Andrews Living Trust
c/o J. Lance Andrews
P.O. Box 97
Tierra Amarilla, NM 87575

Martin Romero
7329 Yorktown Ave. NE
Albuquerque, NM 87109

/s/ Ed Newville
EDWARD G. NEWVILLE